

REMARKSI. Introduction

In response to the Office Action dated November 19, 2007, claims 19 - 60 have been cancelled. Claims 1-18 and 61-62 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Allowable Subject Matter

On page 3, the Office Action indicates that the subject matter of claim 1-18 and 61-62 will be allowed upon receipt of a terminal disclaimer.

III. Prior Art from Related Cases

According to MPEP §§2001.06(c) and 609.02, the Examiner will consider prior art cited in earlier continuation, continuation-in-part, or divisional applications, and will indicate in the first Office Action whether the prior art cited in the related earlier application has been reviewed.

The Applicant notes that this application is a continuation-in-part of one or more parent or sibling applications, specifically U.S. Utility Application Serial No. 09/844,401, filed April 27, 2001, by Ernest C. Chen, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS."

Accordingly, the Applicant respectfully requests that the Examiner indicate that a review of the related cases has been undertaken and the prior art cited and arguments made in those applications has been considered.

IV. Related Cases

The Applicant has updated the "CROSS REFERENCE TO RELATED APPLICATIONS" section of the specification. Although the Applicant believes that all material and non-cumulative information from these applications has been presented to the Examiner in this case, the Examiner is encouraged to review these related cases for prior art or other information that may be relevant in the instant case.

V. Office Action Double Patenting Rejection

On page (2), the Office Action rejects claims 1-18 and 61-62 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 7,173,981. Enclosed herewith is a terminal disclaimer, thus obviating this rejection

VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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